

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION**

TREVOR SANDERS,

Plaintiff,

v.

CLINT SHRUM, in his official capacity as  
Sheriff of Grundy County and in his individual  
capacity; T.J. BEAN, in his official capacity and  
individual capacity; OFFICER JANE DOE,  
in her official and individual capacity;  
DEIDRE HELTON, in her official and individual  
capacity; ADAM FLOYD, in his official and  
individual capacity; JESSIE KINSEY,  
in her official and individual capacity;  
GRUNDY COUNTY BOARD OF EDUCATION;  
CRYSTAL STIEFEL; DANIEL RICHARDSON;  
and JAMIE RICHARDSON,

Defendants.

Case No. 4:18-cv-00059

**JURY DEMAND (12)**

---

**MOTION TO AMEND**

---

Defendants Shrum, Bean, Helton, Floyd, Kimsey, Grundy County and Stiefel (hereinafter referred to as “Defendants” unless otherwise specifically identified), by and through counsel, pursuant to Rule 15 of the *Federal Rules of Civil Procedure* and the Amended Scheduling Order of the Court [Doc. 51] files with the Court their Motion to Amend their Answer to assert the below additional affirmative defenses:

**FOURTEENTH DEFENSE**

Plaintiff’s Complaint makes claims and allegations against other parties for whom these Defendants are not liable or responsible. Plaintiff can therefore have no recovery against these Defendants for the actions of such other parties to include Daniel Richardson and/or Danielle Richardson. Additionally, the actions of the other parties in this matter, to include Daniel

Richardson, were the cause of Plaintiff's claimed damages and therefore Defendants plead the negligence and/or intentional actions of such parties as an affirmative defense to Plaintiff's claim for damages.

#### **FIFTEENTH DEFENSE**

To the extent that Plaintiff has made a claim for violation of his First Amendment rights, there was no unconstitutional or improper limitation or restriction on Plaintiff's right to free speech. Accordingly, Plaintiff can have no recovery for the same.

#### **SIXTEENTH DEFENSE**

Plaintiff was arrested pursuant to an arrest warrant that was issued by the Circuit Court Clerk of Grundy County, Tennessee. The arrest warrant was delivered to the Grundy County Sheriff's Office who was required to execute the same. Accordingly, Plaintiff is not entitled to any defense, resulting from the execution of an arrest warrant.

Defendants have filed herewith their Brief in Support of their Motion to Amend.

**WHEREFORE**, Defendants pray that they be allowed to amend their Answer to assert the affirmative defenses set forth above.

Respectfully submitted,

**SPICER RUDSTROM, PLLC**

By: /s/ B. Thomas Hickey, Jr.  
B. Thomas Hickey, Jr., BPR #019195  
Thomas E. LeQuire, BPR #06875  
Attorneys for Defendants  
537 Market Street – Suite 203  
Chattanooga, TN 37402-1241  
P: (423) 756-0262  
F: (423) 756-8489  
bth@spicerfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of December, 2019, I electronically filed this document along with any exhibits with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

J. Alex Little  
alex.little@burr.com  
Zachary C. Lawson  
zlawson@burr.com  
Burr & Forman LLP  
222 Second Avenue South, Suite 2000  
Nashville, TN 37201

Gregory M. O'Neal  
Law Office of Gregory M. O'Neal  
P. O. Box 555  
Winchester, TN 37398  
gregorymoneal.atty@gmail.com

**SPICER RUDSTROM, PLLC**

BY: /s/ B. Thomas Hickey, Jr.